STATELINE

THE TOBACCO INSTITUTE

STATE ACTIVITIES DIVISION

SPECIAL REPORT

April 4, 1989

1989 STATE & LOCAL LEGISLATION to TAX OR RESTRICT PACKAGING MATERIALS

This is an update to the March 8, 1989 edition of the StateLine Special Report on 1989 State and Local Legislation to Tax or Restrict Packaging Materials.

Background

From the 1970s to 1986, nearly a dozen states passed litter control, recycling and solid waste disposal programs funded through a variety of assessments or taxes. Most of these taxes were levied on manufacturers, wholesalers or retailers of products deemed to contribute to the litter problem and were generally pegged at a percentage of price or a percentage of gross receipts attributable to these "litter-producing" items, which may include soft drinks, alcoholic beverages and newspapers, as well as cigarettes and other tobacco products. Other states' assessments were levied throughout the entire business community through income, sales or other business tax surcharges. Most of these state laws have since been repealed or replaced with "bottle bills" requiring refundable deposits on beverage containers.

In 1987, however, two new approaches to litter control, solid waste management and problems allegedly associated with use of certain chemicals in packaging materials began to take shape.

Legislation limiting the use of certain materials in containers and packaging was introduced in a number of states in 1987, but these early proposals were not of direct concern to the industry. However, Suffolk County, NY, considered an ordinance that year to ban use of all nonbiodegradable packaging materials in the county. The sponsor's real intent was aimed at fast-food "clamshells" and other containers made of styrofoam-like materials, but the measure was finally passed as a ban only on use of nondegradable plastic bags. A coalition of plastics companies filed suit against the County Executive in an effort to repeal the ordinance. In 1988, a similar ordinance to ban plastic bags was passed in Nassau County, New York.

New variations on the litter control tax have been proposed to tax "litterable" products on an ad valorem basis, or to tax the packaging materials, not the product itself, on a per piece or per pound basis. In 1987, such taxes were introduced in at least three state legislatures (New York, Oregon and Vermont); none passed.

In 1988, bills to tax containers or to restrict the use of certain packaging materials were introduced in ten states. Only one bill was passed (Florida); most were given only cursory consideration, or were quickly amended to limit the scope of affected products, removing tobacco products from the measure. The Florida measure, S1192, was enacted on June 24. It provides for a recycling quota of 50 percent by October 1992 for glass, plastics, plastic-coated paper, aluminum and other metals. If the quota is not met, retailers will be assessed an "advance disposal fee" of one cent per container. If the quota is still not met by 1995, the fee will climb to two cents per container.

No local-level packaging legislation that would affect the tobacco industry directly was considered in 1988.

Stored at https://www.industrydocuments.ucsf.edu/docs/gkhk0000

2021391335

1989 Legislative Activity

The solid waste issue has proved to be a priority on most state legislatures' agendas in 1989. Legislation to tax packaging materials or impose recycling quotas has been introduced in five states thus far in 1989. Proposals to prohibit the use of certain packaging materials have been introduced in seven states.

California In his "State of the State" address, Governor Deukmejian indicated that a top priority in 1989 will be the development of an integrated waste management proposal to work toward the goals of waste reduction and recycling.

A80, the "Solid Waste Recycling Act of 1989," introduced by Assemblywoman Killea, would require each local agency to prepare, adopt and implement a waste reduction and recycling plan of specified elements. The bill would authorize those local agencies to impose fees to pay the costs of implementing the waste reduction and recycling plan on each generator of solid waste. "Waste reduction" would include the elimination of nonrecyclable materials, reduction in packaging and composting. A hearing is scheduled for April 17 in the Assembly Natural Resources Committee. A2199 would require the inclusion of plastics reduction and recycling elements in the county plans established in A80.

Assemblyman Sher introduced a bill, A939, to encourage the reduction of waste by minimizing unnecessary packaging, increasing product life spans and increasing the recyclability of materials disposed of in landfills. A1041 by Assemblywoman La Follette, would require the state Waste Management Board to conduct a study on plastics recycling. Another bill by La Follette, A1171, would limit the use of nonbiodegradable product packaging. Assemblyman Peace introduced a bill, A1332, to require the state Waste Management Board to prohibit the use of any plastic which is not degradable effective January 1992. A1332 is scheduled for a hearing on April 24 in the Assembly Natural Resources Committee. Another measure by Assemblyman Moore would enact the "Problem Plastics Elimination Act." The bill, A1796, would require the labeling of all "problem plastic products" (products which contain plastic which is not degradable) which are sold or distributed directly to consumers to indicate the polymer components of the product. The bill would impose a fee of an unspecified amount upon unspecified persons on each ton of problem plastic products. All of these bills are pending in the Assembly Natural Resources Committee.

Colorado H1300 by Representative Tucker would authorize the state Advanced Technology Institute to initiate a pilot program to develop new technologies for plastics recycling and for developing new markets for recycling plastic products. The bill would require that plastic manufacturers code their products. H1300 passed the House on February 23 and is pending in the Senate Appropriations Committee.

Connecticut Rep. Mushinsky, House co-chair of the Environment Committee, has introduced a comprehensive solid waste bill, H6641, that would impose a five cent tax on all nonrecyclable packaging. If the packaging contains recyclable or recycled material, the tax would be cut in half. Language from other packaging measures, H6457, H6668 and H6470, was incorporated into H6641. Hearings were held on March 1 and on March 9 in the Joint Environment Committee. H6470 would require the Commissioner of Environmental Protection to develop a program of consumer and industrial education to promote the purchase and use of items packaged in efficient, biodegradable and recycled materials. H6641 is still pending in committee.

Several bills have been introduced this session involving disposal fees, beverage container deposits, recycling programs, and bans on nonbiodegradable packaging materials. H5037, by Rep. Gambardella, would prohibit the sale of nonbiodegradable plastics or styrofoam. Another bill, H5323, by Rep. Gordes, would fund disposal of products through user disposal fees, where each user is responsible for their own waste generation. H6127, by Rep. McNally, would impose a tax on all nonbiodegradable food packaging. H6592, by Rep. Levin, would assess a surcharge on nonrecyclable packaging and on products requring special disposal such as tires and white good items. H6666, by Rep. O'Neill, would prohibit the sale of all nonrecyclable containers. Senator Atkin introduced a measure, S207, that would require packaging of goods and food to be biodegradable. These bills are pending in the Joint Environment Committee.

2021391336

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

Hawaii Several measures have been introduced relating to the degradability of plastics packaging, particularly in food packaging and plastic bags. However, two House bills that originally related only to food packaging were amended to include all packaging and were passed by the House. H167 would now require that all packaging be degradable, reusable, recyclable or combustible. H171 would require that food and retail establishments notify customers in writing as to whether the packaging is or is not degradable, reusable, recyclable or combustible. These bills are pending in the Senate Agriculture Committee. A Senate bill, S196, that would have banned the sale by January 1991 of any product packaged or placed in any nondegradable packaging, did not meet the March 3 deadline for action and is therefore dead for 1989.

Illinois Representative Bowman has introduced H154, the "Container Fee and Deposit Act." H154 would impose a refundable "advance disposal fee" on certain containers that are not being recycled at a rate of at least 50 percent. The bill is pending in the House Energy, Environment and Natural Resources Committee.

Iowa In his "State of the State" message, Governor Branstad recommended comprehensive environmental legislation in 1989, including programs to ensure safe drinking water quality through groundwater protection, a reforestation program and a future ban on certain nonbiodegradable product and food packaging materials. In his Executive Order Number 36, Governor Branstad declared that state government will be a model for public and private sectors in Iowa in supporting the development, marketing and use of degradable products. His order bans a variety of nondegradable products according to a phase-in schedule beginning with CFC-foam containers by July 1, 1989; garbage bags and foam containers by July 1, 1990; foam packaging materials by January 1, 1990; and disposable plastic containers by January 1, 1992. State agencies are directed to purchase degradable disposable products when those products are reasonably available and cost competitive. State agencies are directed to work with the Iowa Corn Promotion Board to help develop industry sources that provide degradable materials and products for use in disposable packaging products.

A study bill was introduced by Rep. Shoultz, HSB200, that would ban the plastic can, require mandatory plastic container coding and would grant authority for further packaging curbs to a waste reduction bureau. The state Environmental Protection Commission would be authorized to impose disposal fees and rebates on nonrecyclable products and deposits on recyclable products by July 1991. The fees would terminate after five years unless the Commission determines that the funds are required to support the management of waste streams which have been identified for separation or special handling. Another measure, H282, which would levy a 4-cent tax on nondegradable bags, was passed by the House on March 31. H229, which would require state agencies to purchase biodegradable garbage liners, died in the House Energy and Environment Committee.

Indiana Senator Leising introduced legislation, S430, to require governmental bodies to procure degradable plastic products made with cornstarch whenever economically feasible. The bill was reported favorably by the Senate Environmental and Consumer Affairs Committee on February 23. It was passed by the Senate on February 28 and was referred to the House Environmental and Consumer Affairs Committee. It was reported by the committee on March 31 and is pending House floor consideration.

Maine Packaging tax legislation was introduced by Rep. Paradis: L25, to impose a three cent tax on the sale of each container used to package nonfood products and fast-food products, filled or unfilled, which is sold or supplied for resale at retail or as a container for a product for retail sale. Containers which have a refund value or deposit of at least five cents per container would be exempt from the tax. A hearing was held on the measure in the Joint Taxation Committee on February 14 and a work session was held on February 16. No further committee action has been taken. Rep. Ridley introduced legislation, L92, to establish an incentive for the use of packaging which is either recycled at a high rate or is made largely of recycled material. Packaging which does not meet these criteria would be subject to

2021391337

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

a three cent per item tax to be collected at the point of retail sale. All packaging associated with a single retail product is to be considered a single container subject to the tax. The Joint Taxation Committee gave L92 an unfavorable report on March 15.

Maryland A study bill, HJR24, was introduced by Rep. Pitkin to create a Solid Waste Advisory Council to study the packaging issue as it relates to recycling. The Council would be required to report legislative recommendations to the legislature by December 1989. It was reported by the House Environmental Matters Committee on April 3. No further action has been taken. Another measure, SJR19, by Senator Winegrad, would require the Secretary of the Environment to establish a Municipal Solid Waste Recycling Council to study issues concerning packaging materials and the role of these materials in recycling efforts. The bill passed the Senate on March 9. A hearing was held on the bill in the House Environmental Matters Committee on March 29.

Massachusetts The Dukakis Administration announced on January 4 that it was seriously studying, as part of its budget balancing effort, a proposal to impose a three cent tax on any package sold in the state that is not made with recyclable material. On January 31, H1783, the "Packaging Reduction and Recycling Act" was introduced by Rep. Roosevelt. The bill would impose a three cent packaging tax to be levied on the distributor or manufacturer of packages which are not made of 50 percent recycled materials. Containers measuring less than two cubic inches in volume would be exempt. The bill would also ban polystyrene products manufactured with CFCs and plastic beverage connectors that do not degrade within 120 days. A hearing was held on March 2 in the Joint Natural Resources Committee; no further action has been taken.

Another measure, H1049, introduced by Rep. Moore, would establish a joint recycling research and assistance program to promote recycling in the state. The program would be funded by packaging tax revenues and other designated funds to help companies expand such programs to commercial-scale operations which result in recycling, reuse, remanufacturing or reduction in packaging and other materials. A hearing was held on H1049 on March 2 in the Joint Natural Resources and Agriculture Committee; no further action has been taken.

Minnesota Representative Tompkins introduced H1060 which would ban the sale of any consumer product that is packaged in nondegradable materials. Certain nondegradable packaging could be exempted if there is no safe alternative packaging for a product or if at least 25 percent of the nondegradable packaging material is being reused or recycled on a statewide basis. The pollution control agency (responsible for determining whether alternative materials are available) is prohibited from considering the cost of the alternatives or the potential shortened shelf life. H1060 has been referred to the House Environment and Natural Resources Committee. H1025 and S824 would ban the use of CFC-processed materials unless they are approved by the pollution control agency. They would also require CFC-manufactured products to have a warning label and would impose a tax on CFC sales. These bills are pending in the House and Senate Environment Committees, respectively. A resolution introduced by Representative McGuire, HR1183, would memorialize the President and the U.S. Congress to adopt environmentally sound standards for the packaging of consumer products. HR1183 has been referred to the House Environment and Natural Resources Committee.

Missouri H96, introduced by Rep. Dougherty, would ban the sale of products manufactured in whole or in part of thermoformed polystyrene foam or using CFCs, or the sale of products using such packaging or wrapping. The bill would also prohibit the sale or distribution of products transported in containers utilizing polystyrene plastic packaging or other petroleum-based nonbiodegradable packaging material. H97, also by Dougherty, prohibits the sale of nondegradable ring connectors and bans the distribution or sale of multiple plastic resin containers or plastic cans. These bills and several other solid waste measures were heard on February 9 in the House Energy and Environment Committee, chaired by Dougherty. The Committee incorporated H96, H97 and two other measure into a committee substitute to prohibit the sale of food products packaged in containers manufactured from CFCs. It does not contain the original prohibition on petroleum-based nonbiodegradable packaging material. The committee substitute passed the House on March 15 and has been referred to the Senate Energy and Environment Committee.

2021391338

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

Nebraska The Natural Resources Committee held a hearing February 9 on the "Degradable Products Act," L325, introduced by Senator Hefner. The bill would promote the use of degradable plastics by banning the sale of "nondegradable" products -- retail garbage bags, plastic bags, ring connectors and other connecting devices, disposable personal care products and food containers -- over three years. The measure was reported by the Natural Resources Committee on March 15 and has been placed on General File.

New Hampshire H669, introduced by Rep. Malcolm, would prohibit the use of nonbiodegradable single-use plastic items. A hearing was held in the House Environment and Agriculture Committee on February 21; no further action has been taken. Another measure, H746, by Rep. Merrill, would impose a 4-cent disposal fee on containers made of aluminum, cloth, fiber, glass, metal, paper, paperboard, plastic, wood, any combination thereof, or any new material type not listed but used in in the manufacture of containers. The manufacturer, wholesaler, seller, supplier, distributor or retailer of a container making the first sale to a container purchaser within the state shall be liable for and shall pay the fee to the state Revenue Department. Containers in the form of wraps or wrappers "necessary to protect and maintain a product's freshness, taste, odor or hygienic integrity" are exempt. The House Environment and Agriculture Committee voted down the bill on March 8. The bill will be combined with deposit legislation and sent to a summer study committee. It is expected to be reconsidered next year.

New Jersey Three packaging tax measures carried over to the 1989 session. A3014 and companion S2460 would impose a 2-cent tax on rigid containers with a capacity of more than six ounces. The Department of Environmental Protection would be authorized to exempt products for which there is no feasible or practical substitute container. S126 would impose a tax on "single use" items made of or packaged in polymeric or petroleum-based nondegradable materials, a rate of one percent of sales in the state.

S126 and S2460 were rereferred to the Senate Revenue and Finance Committee. The Committee developed a substitute based on the provisions of the two bills which would impose a two cent disposal fee at the retail level on food and nonfood products packaged in containers with a capacity of more than six ounces. Three years after enactment, the fee would climb to four cents per nonexempt container. A hearing was held on the committee substitute on March 2 in the Revenue and Finance Committee. The measure was released from the Committee on March 2 and is pending Senate floor consideration. The earliest the bill could be given floor consideration is April 17.

Four other New Jersey bills to limit the use of nondegradable packaging materials also carried over to the 1989 session. They did not receive any consideration by the legislature in 1988. A659 would prohibit the sale of nonbiodegradable products or packaging materials commonly found as litter on beaches. The bill would allow exemptions for products that cannot be substituted with biodegradable materials. A2035 would prohibit the sale of products wrapped in polystyrene plastic or other petroleum-based nondegradable material: the Department of Environmental Protection could make exemptions where there is no feasible or practical substitute. S2566 would prohibit the retail sale or distribution of plastic containers and items marketed in a plastic container made, in whole or in part, of plastic or any other petroleum-based nonbiodegradable material routinely discarded after use or consumption. It would also prohibit the distribution or use of any plastic grocery bags by retail food establishments. S127 would prohibit sale of reusable plastic materials; exemptions would be allowed where there is no feasible alternative. The Senate bills are pending in the Senate Energy and Environment Committee and the Assembly bills are pending in the Assembly Solid Waste Management Committee.

The "Solid Waste Reduction Act," A4077, a 1989 introduction by Assemblyman Spadoro, would impose a three cent tax on containers based upon the recycled materials content, biodegradability, reusability and the rate of recycling of the materials used in the production of the container. The bill also would ban single-use items or products which would include all containers, items and packaging constructed of polyvinyl chloride, polyvinylidene chloride, polypropylene, polystyrene, or transported in containers using plastic packaging materials. A4077 is pending in the Assembly Environment Committee.

20213913339

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

A study measure, A4009, introduced by Assemblyman Ogden, would appropriate $100,000 to the Solid Waste Division of the Public Utilities Board to perform an in-depth study of volume-based or "per-container" rates for solid waste collection services. The bill was reported favorably by the Solid Waste Committee on January 27 and is pending Assembly floor consideration.

New York - Assemblyman Hinchey has introduced for the third year an updated version of his packaging tax legislation. A5582, entitled the "Waste Reduction and Recycling Act," would assess a 3-cent tax on manufacturers and distributors based upon the reusability and recyclability of the materials used in the production of the package. The tax would provide funding for landfill closures and development of markets and technologies for recycling and waste reduction. The bill has been referred to Chairman Hinchey's Assembly Environmental Conservation Committee. A hearing is scheduled for April 4. Another bill, A4612 by Assemblyman Robach, would impose a waste disposal fee of .001 percent on the retail sale of all products sold in the state. A4612 is pending in the Environmental Conservation Committee.

Assembly Bill 605, by Assemblyman Brodsky, would prohibit the use of all nonbiodegradable plastics effective January 1, 1993, except recyclable or repeated use containers. A2884, by Assemblyman Kelleher, would prohibit the sale of items packaged in nonbiodegradable materials. Its companion, S3760 by Senator Tully, has been referred to the Senate Environmental Conservation Committee. Another measure, A707, would prohibit state and local agencies from procuring items made of or packaged in nonbiodegradable materials. These bills are pending in the Assembly Environmental Conservation Committee. Asemblyman Hinchey introduced a proposal to ban polyvinyl chloride (PVC) packaging. A5578 would ban PVC flexible wrap, bags, rigid and semi-rigid containers. The bill was reported by the Assembly Environmental Conservation Committee on March 21. It has been referred to the Assembly Ways and Means Committee.

Additionally, the beverage wholesalers are expected to request the introduction of a bill to phase out the container deposit law and to create a fund based on a packaging tax at the retail level to help finance the state's 1988 Solid Waste Management Act.

Governor Mario Cuomo, in his "State of the State" message, proposed the establishment of a Solid Waste Management Fund to provide grants to local governments for planning, source separation, waste reduction, recycling and household hazardous waste programs. The program would be funded by recapturing unclaimed beverage container deposits. In addition, the state Environmental Conservation Department is studying how to reduce excess packaging.

North Dakota H1262 by Rep. Hokana provides for the labeling of certain plastic products and requires certain plastic ring-connectors to be degradable. H1262 would also promote the procurement of products manufactured with starch-based plastics and soybean-based inks. The bill was reported favorably by the House Agricultural Committee on February 27. It passed the House on March 1 and passed the Senate with amendments on March 31. Another measure, S2086 by Sen. Lashkowitz, that would have prohibited the disposal of nonbiodegradable solid waste in sanitary landfills, was withdrawn by its sponsor.

Oregon H3218 by Rep. Sowa would impose a litter tax on distributors of "litter producing" products of .015 percent of the wholesale price. Litter producing items include any glass, metal, plastic, synthetic fiber, paper or combination thereof that contains, wraps or holds food for a household pet, food or beverage for human consumption, tobacco products, magazines, cleaning agents and toiletries. H3218 has been referred to the House Environment and Energy Committee. Senate Agriculture and Natural Resources Committee Chairman Springer introduced an omnibus bill, S990, which includes polystyrene bans, plastic recycling and degradability requirements. The bill would ban the use of polystyrene foam products, would require mandatory coding of plastic bottles and would establish a phased-in schedule for "effective recycling programs" up to 75 percent by 1990. A hearing was held on the measure on March 28. No further action has been taken.

2022391340

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

Rhode Island H7030 by Rep. Henseler, would impose a waste disposal fee on manufacturers of packaged goods. S1294, by Sen. Goldberg, would create a special commission on estimating a tax on "hard to dispose of" items. These bills are pending in the House and Senate Finance Committees, respectively. Another measure by Sen. Watson, S1308, would impose a 50-cent per gallon surcharge on nonbiodegradable plastic containers used for industrial purposes to be paid by the wholesaler. The bill has been temporarily tabled following a March 8 hearing in the Senate Special Legislation Committee.

Vermont H196 would impose a franchise tax on distributors and manufacturers of "litter stream" products in the state. The tax would be imposed upon each corporation subject to taxation in the state. H196 also would direct the governor to negotiate with other interested states to attempt to develop an interstate compact to provide disincentives to packaging that is not recyclable or biodegradable. The bill has been referred to the Natural Resources and Energy Committee. H404 by Rep. McCormack would impose a one cent packaging tax on consumer products with nonrecyclable packaging. The tax would be assessed at the retail level. The Natural Resources and Energy Committee reported the bill favorably on March 21. It has been sent to the House Ways and Means Committee.

Virginia House Joint Resolution 434 encourages the plastics industry to utilize cornstarch in its manufacturing process to render plastic products biodegradable. The resolution was approved by the House and Senate.

Washington During 1988, the Joint Select Committee on Preferred Solid Waste Management met to consider solid waste management options in order to make recommendations to the legislature in 1989. The committee drafted legislation that contains provisions for source separation and collection, incentives to encourage manufacturers to use recycled feedstock and recyclable packaging materials, and has developed plans for a public education effort. The committee chairman approached industry groups requesting voluntary action by the business community. The Food Marketing Institute is developing model packaging standards for voluntary use by makers of "house" brands. The committee is mandated to consider the feasibility of implementing a tax system to incorporate disposal costs into product prices. The Association of Washington Business is working closely with the committee on the packaging issues.

On January 25, H1481 was introduced by Rep. Chandler to regulate biodegradable plastic solid waste and prohibit the wholesale or retail sale of goods to consumers when nonbiodegradable packaging is used. The bill did not meet the March 15 deadline for committee action and is therefore dead for 1989. H1671, by Rep. Sprenkle, would establish a comprehensive solid waste management program focusing on recycling and source separation. H1671 would also establish a product packaging task force to make recommendations for reducing product packaging in the waste stream. H1671 was amended to include a four year moratorium on local ordinances banning any type of plastics or local packaging taxes. It was reported favorably by the House Environmental Affairs Committee on March 5 and passed the House on March 10. H1671 is pending Senate floor consideration. In addition, Senate Joint Memorial 8002, introduced by Sen. Metcalf, calls for the formation of a Western State Recycling Coalition. The measure would request that delegates from Alaska, Oregon, Idaho, California and Washington attend a meeting in August 1989 to draft an interstate recycling compact. The Resolution passed the Senate and is pending House floor consideration.

Wisconsin The State Legislative Council Subcommittee on Resource Recovery charged with drafting a comprehensive state recycling plan, voted February 28 to include a ban on plastic foam fast food containers and packaging materials by 1995. The subcommittee had already agreed to ban the landfill or incineration of plastic packaging, aluminum, glass or steel containers, corrugated paper or boxes, newspapers and white good items. The proposal also would discourage state purchase of single-use disposable material and requires whenever practical, the purchase of multiple-use durable products by the state. A "throw-away" fee would be imposed on all single-use packaging to be paid by wholesalers. Proceeds of the fee would be used to support recycling grant programs and education.

2021391341

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

Local Activity

Solid waste management issues are being considered at the local level as well. The Public Health, Human Resources and Senior Citizens Committee of **Los Angeles, CA** met February 10 to consider a motion made by Councilman Yaroslavsky and Councilwoman Galanter requesting that "the City further address the problem of nonbiodegradable packaging products by instructing various departments to purchase and use the new biodegradable plastic trash bags that self-destruct when exposed to sunlight." Councilman Yaroslavsky proposed a ban on the use of all nonbiodegradable packaging materials in the City in 1988. No further action has been taken.

The **City Council of Santa Monica, CA** is conducting a study of plastics in the waste stream and is considering a polystyrene food packaging ban. The Natural Resources Commission of the **Davis, CA City Council** has asked its staff to prepare a report on the environmental consequences of CFCs in refrigerators, fire extinguishers and other products. The Commission has also decided to try to include plastics in its long-range plans of recycling and resource recovery.

The **Chicago, IL City Council** is considering a resolution to study the impact of polystyrene foam and polyvinyl chloride packaging on atmospheric problems. No action has yet been taken by the Council.

The **Montgomery County, MD Council** is considering legislation to prohibit the sale of any consumer product that is contained in a disposable plastic container. However, individual cigarette packages would be excluded under an exemption for packages and containers that weigh six ounces or less when full. Action on the legislation is expected this month. In a related matter, the Council held a hearing February 16 on legislation to establish a pilot plastics recycling program. No further action has been taken.

Hearings were held on February 15 and 16 in **St. Paul and Minneapolis, MN** on identical ordinances to prohibit retail food establishments from selling any food or beverages packaged in "non-environmentally safe" packaging materials. "Environmentally safe" is defined as packaging that is degradable, recyclable or returnable. On March 23, a Minneapolis City Council subcommittee voted to send to the full Council their ordinance banning plastic food containers. The Council adopted the ordinance on March 31; it will become effective on July 1, 1990.

The **Newark, NJ City Council** recently adopted the 1987 Suffolk County, NY ordinance banning plastic shopping bags and take-out foam packaging. The **Township of Stafford, NJ** is considering a proposal that would prohibit retail establishments from providing food or any product directly to consumers unless it is placed, wrapped or packaged in biodegradable packaging. The proposal is still in draft form and has not been scheduled for introduction.

The **Borough of Sea Bright, NY** recently enacted an ordinance modeled after the Suffolk and Nassau County laws. The ordinance bans the use of all plastic shopping bags and take-out foam packaging by government and commercial establishments. In addition, many other **New York localities** have indicated their interest in the Suffolk and Nassau County ordinances banning nondegradable plastic bags.

A **Milwaukee, WI** Citizen Advisory Task Force voted on March 14 to recommend that the City Council consider an ordinance that would ban polystyrene foam food packaging by a specific date, but would first give industry an opportunity to develop foam recycling in the city with the help of an ad hoc advisory committee. The task force wants a 50 percent recycling rate for foam within 18 months. The proposal is expected to be introduced to the City Council on April 4.

2021391342

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

Related Issues

The St. Lawrence Starch Company, a Canadian-based corn wet miller company, is marketing a product called Ecostar, a corn starch derivative it claims, when added to plastics, renders them biodegradable when buried. Originally developed in Britain, Ecostar is widely used in film and bags in European countries where laws dictate biodegradable packaging. The company has plants in four U.S. states and in Quebec and Ontario. U.S. corn farmers have taken a keen interest in the issue.

The plastics industry's position is that the photo- or biodegradability of plastics is not the solution to landfill problems. According to the plastics industry, "plastics in landfills are currently not a problem; degradable plastics in a landfill could be."

Other Activities

The National Conference of State Legislatures, in conjunction with the U.S. Environmental Protection Agency and the American Society of Mechanical Engineers, is sponsoring a seminar entitled, "Managing Solid Waste: Options for State Legislative Action." The seminar will be held on June 11-13, 1989 in Breckenridge, Colorado. The deadline for preregistration is May 26, 1989. For more information contact the NCSL Seminars Department at (303) 623-7800.

The U.S. Environmental Protection Agency's Office of Solid Waste Municipal Solid Waste Task Force, created in 1988 to develop a strategy for improving the nation's management of municipal solid waste, issued its final report, The Solid Waste Dilemma: An Agenda For Action. The final report calls for a "systems" approach to managing municipal solid waste through the complementary use of source reduction, recycling, combustion and landfills. It also underscores the need for a fundamental change in the nation's approach to producing, packaging and disposing of consumer goods.

The Task Force has identified the following objectives for a national agenda for action to solve the municipal solid waste dilemma: increase the waste planning and management information available to states and local communities; increase effective planning by waste handlers, local communities and states; increase source reduction activities by the manufacturing industry, government and citizens; increase recycling by government and by individual and corporate citizens; reduce environmental and health risks from municipal solid waste combustion and landfills. According to the report, although EPA is not recommending the adoption of economic incentives such as packaging taxes, the Agency believes that they are potentially useful tools for further consideration. EPA will assess the efficiency of state and local taxes of products and packaging for their impact on reducing both the volume and toxicity of municipal solid waste. For a copy of the report, contact EPA's Office of Solid Waste in Washington, D.C.

The Coalition of Northeastern Governors (CONEG) identified solid waste management as a primary regional policy concern in March 1988. The members of CONEG are William O'Neill (CT), John McKernan, Jr. (ME), Michael Dukakis (MA), Judd Gregg (NH), Thomas Kean (NJ), Mario Cuomo (NY), Robert Casey (PA), Edward DiPrete (RI) and Madeline Kunin (VT).

At their annual conference in August, the Coalition announced its plans to seek ways to reduce the amount of waste in packaging. At the meeting, the Coalition created a Source Reduction Task Force led by Governors Kean and Kunin. The Task Force will make recommendations to the Governors region-wide, coordinating strategy to reduce the volume of packaging materials entering the waste stream and to increase the use of recyclable and non-toxic materials. Industry has been invited to work closely with the Coalition's Task Force in developing recommendations on opportunities for industry to voluntarily reduce packaging.

2021391343

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000

The Task Force objectives are aimed at: reducing the total volume of disposable packaging; increasing the recyclability of packaging products that cannot be reduced; reducing the disposal impact of packaging waste by changing to more environmentally benign packaging material; and increasing the recycled material content of packaging products. It is believed that the group's preliminary report will contain programs to reduce 30 percent or more of the solid waste stream that consists of discarded packaging material. The Task Force will report its preliminary findings to the Governors at their spring seminar on April 6 in Philadelphia.

The Midwest Governor's Task Force on Degradability was formed in March 1988. It is led by Minnesota Governor Rudy Perpich. The Task Force held three meetings and adopted a series of resolutions on November 16 to present to the Midwestern Governors' Conference and the National Governors' Association for further consideration. One resolution calls for studies and research to be conducted on the degradability of certain packaging materials and products and urges Midwestern lawmakers to consider legislation promoting the use of degradable plastics.

A coalition of Washington, D.C.-based trade associations concerned with the solid waste issue has been established called the Packaging Forum. The Forum is designed as an informal network of trade association CEO's and executives who can speak to and commit their associations to positions and actions on developments affecting packaging at the federal, state and local levels. The purpose of the Forum is to provide an opportunity for trade associations to exchange information and to identify and develop joint activities on solid waste issues. The next meeting of the Forum is on April 20 in Washington, D.C.

The American Legislative Exchange Council (ALEC) formed a Solid Waste Task Force to study the solid waste issue and to develop model legislation to promote in the states. The Task Force is using the comprehensive solid waste management legislation enacted in Pennsylvania in 1988, "The Municipal Waste Planning, Recycling and Waste Reduction Act." as a model to work from. The legislation is designed to provide an integrated approach to municipal waste disposal using resource recovery, landfilling and recycling. The legislation places the responsibility for waste planning on the counties and creates a mandatory statewide recycling program for both household and government municipal waste. The Task Force is in the process of amending the legislation for review by the ALEC Task Force on Energy, Environment, and Natural Resources. The ALEC model solid waste bill is expected to be available in April.

In a related matter, ALEC plans to publish a State Factor on municipal solid waste management. The State Factor is ALEC's issue brief series on critical legislative issues.

####

2021391344

Source: https://www.industrydocuments.ucsf.edu/docs/lghm0000